

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 1999-434-E/C – ORDER NO. 2000-026

JANUARY 5, 2000

IN RE: Application of Carolina Power & Light Company) ORDER
and Interpath Communications, Inc. to Transfer) DENYING MOTION
Ownership of CP&L and Interpath to a Holding) FOR CONTINUANCE
Company.) AND EXTENDING
) PREFILE DATES

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion for Continuance filed by the Consumer Advocate for the State of South Carolina (“Consumer Advocate”). This docket concerns the application of Carolina Power and Light Company and InterPath Communications, Inc. (collectively referred to herein as CP&L) for approval of the transfer of ownership of the two companies to a holding company. A hearing on the application is presently set for January 25, 2000.

By his motion, the Consumer Advocate states that he has not received a pre-file order yet but anticipates that the testimony of witnesses for the Consumer Advocate would be due about January 12, 2000¹, and that he served his First Set of Interrogatories on CP&L two weeks after the deadline for intervention with a requested due date on

¹ Order No. 2000-007 establishing pre-file dates in the instant docket was issued on January 4, 2000. Order No. 2000-007 set December 29, 1999, as the pre-file date for CP&L and set January 12, 2000, as the pre-file date for all other parties. Further, Order 2000-007 established January 18, 2000, as the pre-file date for rebuttal testimony and January 21, 2000, as the pre-file date for surrebuttal testimony.

responses of January 10, 2000. The Consumer Advocate acknowledges that he has received an electronic filing of CP&L's pre-filed testimony which was due on December 29, 1999. The Consumer Advocate contends that the lack of time between the due date for responses to his discovery requests and the anticipated date of his pre-filed testimony does not afford him adequate time to prepare his case. Further, the Consumer Advocate asserts that the grant of a continuance of the hearing date will not prejudice any party and that the Commission is under no statutory duty to issue an order in this matter by a date certain.

Nucor Steel, a Division of Nucor Corporation, ("Nucor"), another intervenor in the instant docket, filed a response in support of the Consumer Advocate's Motion for Continuance. CP&L filed a response in opposition to the Consumer Advocate's motion. In addition, both the Consumer Advocate and CP&L filed letters challenging statements made in each other's responses.

Upon consideration of this matter, the Commission is of the opinion and so finds that the Motion for Continuance should be denied. The Commission finds that if the parties will engage in a collaborative process that the hearing scheduled for January 25, 2000, can be held with all parties receiving a fair hearing. However, in consideration of the Consumer Advocate's concern that he will not have sufficient time from the due date of his discovery requests until the due date of his pre-filed testimony, the Commission will grant a one week extension for the pre-filing of testimony by the Staff and intervenors in this Docket. As CP&L has met its pre-filing date, the Commission will not alter that pre-filing date.

Therefore, the Commission hereby orders that pursuant to 26 S.C. Regs. 103-869(C)(Supp.1999) that twenty-five copies of the testimony and exhibits of the Commission Staff and all intervenors shall be pre-filed on or before **January 19, 2000**. Due to the grant of the extension and the shortened time for rebuttal and surrebuttal, pre-filed materials of the Staff and all intervenors must be in the offices of the Commission and in the hands of the parties on this date. Also, any rebuttal testimony and exhibits shall be pre-filed on or before **January 21, 2000**, and any surrebuttal testimony and exhibits shall be pre-filed on or before **January 24, 2000**. Rebuttal and surrebuttal materials must be in the offices of the Commission and in the hands of the parties on these dates. It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission. In addition, parties shall serve their pre-filed testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may refuse to allow the witnesses' testimony to be read into the record of the proceeding, and/or may refuse to allow the witnesses' exhibits to be entered into the evidence of the case.

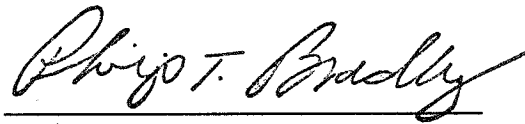
Please take notice that any party requesting modification of this schedule must file a request for such modification with the Commission.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)